

UNITED STATES DISTRICT COURT

for the
Central District of California

In the Matter of the Search of)

(Briefly describe the property to be searched or identify the)
person by name and address))

The person of NOEL MIRELEZ, as described in)
Attachment A)
)

Case No. **2:23-MJ-01359**

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A

located in the Central District of California, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. § 641

Offense Description
Theft of Government Property

The application is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (*give exact ending date if more than 30 days: _____*) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

/s/ Thomas Vasquez, Special Agent DHS FPS

Applicant's signature

Thomas Vasquez, Special Agent DHS FPS

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: _____

Judge's signature

City and state: Los Angeles, CA

Hon. Jacqueline Chooljian, U.S. Magistrate Judge

Printed name and title

AUSA: Elizabeth Douglas, x5728

ATTACHMENT A

PERSON TO BE SEARCHED:

The person to be searched is NOEL MIRELEZ, also known as ("aka") NOEL GONZALEZ, aka NOEL MIRELEZ GONZALEZ, aka NOEL MARTIN ("MIRELEZ"), with a date of birth March 12, 1990, who is currently in the custody of the Bureau of Prisons, Metropolitan Detention Center, in Los Angeles, California. MIRELEZ is further described by the Bureau of Prisons Public Information System, Metropolitan Detention Center and CA Department of Motor Vehicles System as:

Register Number#: 39191-510

CA Driver's License Number#: E3299103

Name: NOEL MIRELEZ GONZALEZ

Sex: Male

Height: 5'9"

Weight: 160 lbs.

Eyes: Brown

Hair: Black

ATTACHMENT B

ITEM TO BE SEIZED

Biological sample containing the DNA of NOEL MIRELEZ, also known as ("aka") NOEL GONZALEZ, aka NOEL MIRELEZ GONZALEZ, aka NOEL MARTIN ("MIRELEZ"), which is to be obtained through a cotton/buccal swab of the inner tissues of MIRELEZ's mouth, and should MIRELEZ refuse to comply with the execution of the search, may be obtained through the use of reasonable force.

AFFIDAVIT

I, Thomas Vasquez, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of an application for a warrant for the seizure of samples of deoxyribonucleic acid ("DNA"), which are to be obtained via cotton/buccal, or cheek, swab from NOEL MIRELEZ, also known as ("aka") NOEL GONZALEZ, aka NOEL MIRELEZ GONZALEZ, aka NOEL MARTIN ("MIRELEZ"), who is currently in the custody of the Bureau of Prisons, Metropolitan Detention Center, in Los Angeles, California.

2. As discussed below, there is probable cause to believe that the DNA sought in this warrant will match DNA that was obtained from a DNA swab of a gear shift from a stolen government vehicle.

3. The facts set forth in this affidavit are based upon my personal observations; my training and experience; and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and part only.

II. PERSON TO BE SEARCHED AND ITEMS TO BE SEIZED

4. This affidavit is made in support of a warrant to search the person of MIRELEZ, as described in Attachment A, which is incorporated herein by reference, to seize samples of MIRELEZ's DNA, which are to be obtained through cotton/buccal swabs in the mouth, as described in Attachment B, which is incorporated herein by reference.

III. BACKGROUND OF AFFIANT

5. I am a Special Agent ("SA") with the United States Department of Homeland Security, Federal Protective Service ("FPS"). I have been in this position since August 2017. As part of my official duties as a SA, I investigate crimes against the United States that originate on United States government property, including Theft of Government Property. From 2013 to July 2017, I was an FPS uniformed law enforcement officer. In that position, I conducted various preliminary investigations including Theft of Government Property.

6. I have completed two basic training courses at the Federal Law Enforcement Training Center in Glynco, Georgia, which included training in the investigation of various crimes including Theft of Government Property.

IV. SUMMARY OF PROBABLE CAUSE

7. On July 25, 2022, a government vehicle was stolen from the parking garage of a federal facility in Los Angeles. A motion-activated surveillance camera in the garage recorded a car carrying two men -- a driver, later identified as J.R., and

a passenger, later identified as MIRELEZ¹ -- enter the garage and park next to the government vehicle. MIRELEZ cannot be seen exiting the car, but moments later, a man is seen driving the government vehicle out of the garage, and the car in which J.R. and the other man arrived is seen exiting the garage without a passenger.

8. On July 27, 2022, law enforcement recovered the stolen vehicle. Subsequent laboratory analysis determined that MIRELEZ's fingerprints were found on the vehicle. In addition, the vehicle's gear shift was swabbed for DNA which resulted in a hit notification from the Combined DNA Index System ("CODIS") database, identifying MIRELEZ.

9. On or about January 5, 2023, the Grand Jury charged MIRELEZ in a single-count indictment with Theft of Government Property in Excess of \$1,000, in violation of Title 18, United States Code, Section 641, in Case Number 2:23-cr-00002-CJC.

10. Analysts at the Los Angeles Sheriff's Department ("LASD") forensic laboratory need to forensically test MIRELEZ's DNA to complete a statistical analysis to confirm the positive CODIS hit, specifically by comparing MIRELEZ's DNA sample with the DNA sample retrieved from the gear shift. This is necessary because the LASD forensics laboratory does not have access to

¹ The Honorable Alka Sagar previously issued one warrant relating to my investigation of MIRELEZ in Case No. 22-MJ-3446 and the Honorable Alicia Rosenberg previously issued one warrant relating to my investigation of MIRELES in Case No. 22-MJ-3985. In my affidavits in support of both those applications, I referred to MIRELEZ by one of his aliases: Noel Mirelez Gonzalez. Based on my review of law enforcement databases and public records, I believe that Noel Mirelez Gonzalez is an alias of MIRELEZ.

the original DNA sample uploaded to CODIS that led to the CODIS hit.

V. STATEMENT OF PROBABLE CAUSE

11. Based on my review of law enforcement reports, conversations with other law enforcement agents, and my own knowledge of the investigation, I am aware of the following:

A. Two Men Were Recorded at the Scene Immediately Before a U.S. Government Vehicle Was Stolen

12. On July 25, 2022, a United States-government vehicle, specifically, a 2018 Hyundai Sonata bearing California license plate 8FUM102 (the "stolen vehicle"), was stolen from a parking garage at a federally leased facility located at 888 South Figueroa Street in Los Angeles, California (the "federal facility").

13. Based upon my review of footage captured by surveillance cameras in the parking garage adjacent to the federally leased facility, I know that immediately prior to the theft of the stolen U.S. government vehicle, a red Toyota Camry (the "Camry") bearing California license plate 7FZT099 reversed into a parking spot next to the stolen vehicle. Two people can be seen in the Camry: a driver and a passenger. The Camry's driver, later identified as J.R., exited the Camry through the driver-side door and then got back into the Camry moments later. Because of the camera's motion sensor, the Camry's passenger cannot be seen either exiting the Camry or entering the stolen vehicle. However, shortly after J.R. got back into the vehicle, both the Camry and the stolen vehicle are seen driving towards

the exit of the parking garage, and the Camry's passenger seat appears to be empty.

B. LAPD Found MIRELEZ's Fingerprints on the Stolen Vehicle

14. Based on conversations with other law enforcement officials, I know that on July 27, 2022, Los Angeles Police Department ("LAPD") officers located the stolen vehicle, and saw that the stolen vehicle's police radio, headlights, and taillights were missing. Personnel from LAPD's Technical Investigation Division processed the stolen vehicle for latent fingerprints. Fingerprints were lifted from the stolen vehicle and run through the Automated Fingerprint Identification System, which returned a match to MIRELEZ's fingerprints.

C. Investigators Identified J.R. as One of the Two Men Recorded at the Scene of the Theft

15. Using departmental resources, I determined that B.R. is the owner of the Camry. On July 27, 2022, I interviewed B.R., who confirmed that the Camry belonged to her. B.R. stated that J.R. is her boyfriend and that she allows J.R., and no one else, to borrow the Camry. Additionally, I showed B.R. an image of the Camry that was recorded on July 25, 2022, by the surveillance cameras in the parking garage of the federal facility shortly before the theft of the stolen vehicle. B.R. confirmed that J.R. was the person driving the Camry. B.R. was unable to identify the passenger. During my interview with B.R., I requested that she give J.R. my phone number and tell him that I wanted to speak with him.

D. Investigators Identified MIRELEZ as the Person Who Stole the U.S. Government Vehicle

16. On August 12, 2022, I received a phone call from J.R. During the call, I told J.R. that his participation on the call was voluntary and that I would be audio recording his statements. J.R. stated that on July 25, 2022, he drove the Camry into the parking garage adjacent to the federally leased facility with his friend, whom he identified as only as "Noel" -- later identified MIRELEZ -- to smoke marijuana. According to J.R., once inside the parking garage, MIRELEZ asked him to stop near the stolen vehicle. J.R. stated that MIRELEZ exited the Camry and, shortly thereafter, he saw MIRELEZ enter the stolen vehicle. J.R. stated that he then drove out of the parking garage and did not know where MIRELEZ had taken the stolen vehicle.

17. On August 17, 2022, I interviewed J.R. along with another FPS officer. During the interview, J.R. again confirmed that he drove the Camry on July 25, 2022, to the federal facility, and that a passenger named "Noel" -- later identified as MIRELEZ -- was with him in the Camry. J.R. again stated that he and MIRELEZ had driven to the parking garage at the federal facility to smoke marijuana. I presented J.R. with a six-pack photo array that depicted MIRELEZ in the number three position. J.R. circled the person in the number three position and identified him as his passenger on July 25, 2022.

E. MIRELEZ's DNA Was on the Gear Shift of the Stolen Vehicle

18. I obtained three DNA swabs from the stolen vehicle which included the vehicle's steering wheel, gear shift and glove compartment access handle which I submitted to the LASD forensic laboratory for forensic analysis. Based on my conversations with LASD forensic laboratory personnel, I know that LASD personnel obtained a DNA profile from the gear shift which LASD personnel then uploaded to the CODIS database. The database returned a match to MIRELEZ.

19. I understand based on speaking to LASD forensic laboratory personnel, that MIRELEZ's DNA will need to be forensically tested to complete a statistical analysis by the LASD forensic laboratory, which will specifically compare MIRELEZ's DNA sample with the DNA sample retrieved from the stolen vehicle's gear shift. LASD forensic laboratory personnel explained to me that this is necessary because the LASD forensics laboratory does not have access to the original DNA sample uploaded to CODIS that led to the CODIS hit.

20. Based on the foregoing, I believe that cotton/buccal or cheek swab samples from MIRELEZ are required to statistically confirm that MIRELEZ's DNA is a match for the DNA swab taken from the gear shift, as indicated by the CODIS database positive hit.

F. The Grand Jury Charges MIRELEZ with Violating 18 U.S.C. § 641 (Theft of Government Property)

21. On or about January 5, 2023, the Grand Jury charged MIRELEZ in a single-count indictment with Theft of Government

Property in Excess of \$1,000, in violation of Title 18, United States Code, Section 641, in Case Number 2:23-cr-00002-CJC.

G. Request for Use of Reasonable Force

22. Based on my training and experience, and the nature of the criminal conduct described above, I believe MIRELEZ may refuse to comply with any court-authorized efforts to obtain his DNA. Accordingly, I also respectfully request authority to use reasonable force in order to obtain a DNA sample.

VI. CONCLUSION

23. Based on the foregoing, I believe there is probable cause to believe that evidence of violation of Title 18, United States Code, § 641 (Theft of Government Property in Excess of \$1,000), as described above, will be found by taking cotton/buccal DNA swabs, as described in Attachment B, from the person described in Attachment A, for purposes of comparison to the DNA swab from the vehicle's gear shift obtained during the course of this investigation.

Attested to by the applicant in
accordance with the requirements
of Fed. R. Crim. P. 4.1 by
telephone on this ____ day of
March, 2023.

HON. JACQUELINE CHOOLJIAN
UNITED STATES MAGISTRATE JUDGE